

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-20, 22, and 24-28 are pending in the application.

Applicant appreciates the withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, concerning the feature of “single wavelength.”

Claims 1-20, 22 and 24-28 are rejected under 35 U.S.C. § 112, first paragraph, as not complying with the enablement requirement. As indicated in the Interview Summary of September 16, 2003, the Examiner suggests that the Applicant provide (1) experimental data to support the feature of having a common focal point for DUV and IR light and (2) provide the essential element(s) in the claims which enable the feature of having a common focal point.

The Applicant appreciates the Examiner’s suggestions. Submitted herewith is a Declaration by Dagmar Elvers, which documents that a commercial embodiment of the invention, having a construction as described in Figures 4 and 8 of the present application, does in fact provide a common focal point for 248 nm light and 904 nm light. Accordingly, the invention does work as claimed. In addition, independent claims 1, 19, and 24 have been amended to set forth further detail in the claims. (In addition, it is noted that the Declaration submitted on January 9, 2003 provides further evidence that based on the description of the invention provided in the above-identified patent application and the knowledge of one of ordinary skill in the field of optics, one skilled in the pertinent art could have made and used the invention as defined in claim 1 without undue experimentation.)

It is therefore respectfully submitted that the claims comply with the enablement requirement of section 112, first paragraph.

Claims 19-20, 22, and 26-27 stand rejected under section 112, second paragraph, as being indefinite. The Office Action indicates that claim 19 is confusing because it is not clear how an autofocus system can provide a wavelength, which is a number.

In reply, please note that the August 11, 2003 amendment amended claim 19 to indicate that the autofocus system provides “light at the IR wavelength.” The Office Action also indicates that the autofocus system is capable of focusing an incident light but does not generate a light. In reply, please note that the autofocus system does generate light, as discussed with respect to Fig. 15 from the bottom of page 11 to the top of page 12 of the application.

It is therefore respectfully submitted that claims 19, 20, and 26 are not indefinite.

Regarding claim 22, the Office Action indicates that the language “and an IR wavelength” is confusing. By way of this amendment, claim 22 has been amended for clarity. If the Examiner still considers claim 22 indefinite, the undersigned will be pleased to adopt any suggestions by the Examiner regarding claim 22.

Claims 1-2, 5-6, 17-20, 24-26, and 28 are rejected as being unpatentable based on Hayashi in view of Hecht. The Office Action correctly acknowledges that nothing in the prior art explicitly teaches a radius of curvature of a biconcave penultimate lens element at an object side being smaller than an image side. The Office Action states that “such feature can be easily modified when calculating the lens designs to achieve the same focal points as stated above.” The Applicant respectfully disagrees that such a feature would have been obvious because nothing in the prior art suggests such a modification. It is therefore respectfully submitted that the present claims are clearly patentable over the prior art.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

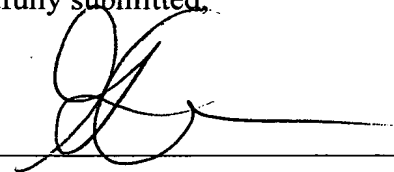
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or

even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

By



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